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November 21, 2024

Honorable Taryn A. Merkl
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Daniel Chavez v. City of New York
1:23-cv-7754 (NCM) (TAM)

Dear Judge Merkl:

I am an Assistant Corporation Counsel in the office of Muriel Goode-Trufant, Acting Corporation Counsel for the City of New York, attorney for the defendant in the above-referenced action. I write in accord with Your Honor's Order dated August 26, 2024, directing the parties to file a joint status report certifying the close of fact discovery by November 22, 2024. See ECF Minute Entry + Order dated August 26, 2024. Plaintiff's counsel has refused to consent to the filing of this Joint Status Report.

On October 24, 2024 the Court extended discovery to November 15, 2024 for the purpose of Plaintiff taking the requested 30(b)(6) deposition. See ECF Minute Entry + Order dated October 24, 2024. On November 14, 2024, the 30(b)(6) deposition was completed. On November 15, 2024, fact discovery was concluded.

On November 19, 2024, the undersigned sent a draft of this Joint Status Report to Plaintiff's counsel by email at 2:33 p.m., requesting that Plaintiff's counsel advise of any comments or edits by November 21, 2024. On November 21, 2024, at 4:43p.m., Plaintiff's counsel responded by email, wherein he stated, "Its [sic] not acceptable. You will be receiving additional subpoenas by 6pm today." Notably, Plaintiff has neither requested an extension of discovery, has not sought such an extension from the Court, nor has he advised this Office that he intends to do so.

Defendant intends to file a post-discovery motion for summary judgment on the grounds that Plaintiff has failed to raise an issue of material fact as to Plaintiff's failure to accommodate claims and that Defendant is entitled to summary judgment as a matter of law. Defendant's pre-motion conference letter in anticipation of a summary judgment motion is due December 23, 2024.

Respectfully submitted,

/s/ Shivani R. Damera
Shivani R. Damera
Assistant Corporation Counsel

cc: All Parties of Record (By ECF)